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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,451

Applicant(s)

PAPADIMITRIOU ET AL.

Examiner

Willie J. Daniel, Jr.

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 14 April 2005. **Claims 17-37** are now pending in the present application.

Claim Objections

2. **Claims 31 and 32** are objected to because of the following informalities:
 - a. **Claim 31** recites "...claim 31..." in line 1 of the claim as being dependent on the claim. Examiner interprets as "...claim 30...".
 - b. **Claim 32** recites "...claim 32..." in line 1 of the claim as being dependent on the claim. Examiner interprets as "...claim 30...".

Appropriate correction is required.

3. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ho et al.**

(hereinafter Ho) (US 6,091,953) in view of **Naqvi et al.** (hereinafter Naqvi) (US 6,850,763 B1).

Regarding **Claim 17**, Ho discloses a method for dynamic allocation of a circuit pathway between a requesting switch, the MSC (104, 1702) which reads on the claimed “requesting switch” being one of a pool of switches (104, 106, 108), and a BSC (110, 1708) which reads on the claimed “access node” via a dispatching switch (102; message router - 1716) which reads on the claimed “media gateway (MGW)” (see col. 5, lines 18-30 Figs. 1, 17), comprising the steps of:

contacting a Node (1712) requesting a circuit connection (e.g., path or channel) to a target access node (110) (see col. 21, lines 7-18; col. 18, lines 36-41; Figs. 1, 14, 17), where the MSC can trigger an assignment procedure or request a channel by using a network element (1712) to connect. The scalability of the system can be increased by adding additional MSCs, dispatching switches (or message routers) for such reasons as load-balancing and capacity management (see col. 20, lines 28-37, 56-61), where multiple message routers (1718) and/or dispatching switches (102) are implemented in the system and

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controlled or managed by a hierarchical system element such as element (1712) or softswitch. ;

consulting a Database (e.g., table) to determine an available circuit pathway between the requesting switch (102) and the target access node (110), wherein the circuit pathway is identified in the MGWSDB by a Circuit Identity Code (CIC) (see col. 21, lines 7-18; col. 18, lines 36-41; col. 7, lines 39-65; col. 9, line 57 - col. 10, line 4; col. 10, lines 14-22; Figs. 2 and 5A), where the system is able to establish a connection between the MSC and BSC in which a database and CIC would be inherent because the system has an addressing table that defines the connections and routes used between the elements to allocate a pathway or channel assignment between the MSC (102) and BSC (110);

selecting one media gateway (1716) from among a plurality of media gateways (1716, 1718) (see col. 20, lines 1-6; col. 6, lines 1-10; Figs. 17 and 1), where the system has multiple message routers (1716, 1718) and/or dispatching switches (102) that are providing connections between the MSC (1702, 104) and BSC (1708, 110);

reserving the CIC associated with a selected circuit pathway at the one media gateway (102, 1716) (see col. 20, lines 1-6; col. 6, lines 1-10; Figs. 17 and 1), where the system has multiple message routers (1716, 1718) and/or dispatching switches (102) that are providing connections between the MSC (1702, 104) and BSC (1708, 110); and

sending the identity of the MGW and the CIC to the requesting switch (104) (see col. 20, lines 1-6; col. 6, lines 1-10; Figs. 17 and 1), where the system establishes a connection between the message router (1716) and/or dispatching switch (102) in which the MSC (104) would be aware of the identity of the MGW and CIC to provide signaling. Ho fails to

disclose having the features media gateway selection node (MGWSN); a media gateway selection database (MGWSDB). However, the examiner maintains that the features media gateway selection node (MGWSN); a media gateway selection database (MGWSDB) was well known in the art, as taught by Naqvi.

In the same field of endeavor, Naqvi discloses the features switch (300) which reads on the claimed media gateway selection node (MGWSN) (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways; a media gateway selection database (MGWSDB) (see col. 5, lines 10-17; col. 14, lines 37-38; Fig. 11), where the switch (300) has a media gateway controller in which a media gateway selection database would be inherent for the switch (300) to select between media gateways of the data plane. Also, the switch manages circuits including circuit identification codes (CIC) between the BSC and the MSC (see col. 13, line 66 - col. 14, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the features media gateway selection node (MGWSN); a media gateway selection database (MGWSDB), in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 18**, Ho discloses the feature wherein the step of contacting a Node (1712) further comprises the Node (1712) being contacted by the requesting switch (104), the requesting switch (104) being one Mobile Switching Center (MSC) in a pool of MSCs (104, 106, 108) (see col. 21, lines 7-18; col. 18, lines 36-41; Figs. 1, 14, 17), where the MSC can trigger an assignment procedure or request a channel by using a network element (1712) to

connect. The scalability of the system can be increased by adding additional MSCs, dispatching switches (or message routers) for such reasons as load-balancing and capacity management (see col. 20, lines 28-37, 56-61), where multiple message routers (1718) and/or dispatching switches (102) are implemented in the system and controlled by a hierarchical system element such as element (1712). Ho fails to disclose having the features media gateway selection node (MGWSN). However, the examiner maintains that the features media gateway selection node (MGWSN) was well known in the art, as taught by Naqvi.

Naqvi further discloses the feature switch (300) which reads on the claimed media gateway selection node (MGWSN) (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the features media gateway selection node (MGWSN), in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 19**, Ho discloses the feature wherein the Node (1712) is adapted to respond to a request for an available circuit pathway to an access node (110) (see col. 21, lines 7-18; col. 18, lines 36-41; Figs. 1, 14, 17), where the MSC can trigger an assignment procedure or request a channel by using a hierarchical system element such as element (1712) or softswitch,

by accessing the Database to identify the available circuit pathway between the one MSC (104) and a requested target access node (110), wherein the target access node (110) is a particular Base Station Controller (BSC) in a group of BSCs (110, 112, 114, 116) (see col. 7,

lines 39-65; col. 9, line 57 - col. 10, line 4; col. 10, lines 14-22; Figs. 2 and 5A), where the system is able to establish a connection between the MSC and BSC in which a database would be inherent because the system has an addressing table that defines the connections and routes used between the elements to allocate a pathway or channel assignment between the MSC (102) and BSC (110). Ho fails to disclose having the features MGWSN; MGWSDB. However, the examiner maintains that the features MGWSN; MGWSDB was well known in the art, as taught by Naqvi.

Naqvi further discloses the features switch (300) which reads on the claimed MGWSN (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways; a MGWSDB (see col. 5, lines 10-17; col. 14, lines 37-38; Fig. 11), where the switch (300) has a media gateway controller in which a media gateway selection database would be inherent for the switch (300) to select between media gateways of the data plane.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the features MGWSN; MGWSDB, in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 20**, the combination of Ho and Naqvi discloses every limitation claimed, as applied above (see claim 19), in addition Ho further discloses the method of claim 19, wherein the one MSC (104) is seeking to connect to a mobile unit (136) which reads on the claimed "mobile terminal" that is connected with the particular BSC (110) (see col. 10, lines 14-22; col. 21, lines 7-18; col. 18, lines 36-41; Figs. 1, 14, 17), where the MSC

can trigger an assignment procedure or request a channel by using a hierarchical system element such as element (1712) or a softswitch.

Regarding **Claim 21**, Ho discloses the feature wherein the Node (1712) is a central means of circuit pathway control such that no dedicated circuits are required for the group of BSCs (110) to each MSC (104) in the MSC pool (see col. 20, lines 19-22, 45-55; Figs. 1 and 17). Ho fails to disclose having the feature MGWSN. However, the examiner maintains that the feature MGWSN was well known in the art, as taught by Naqvi.

Naqvi further discloses the feature switch (300) which reads on the claimed MGWSN (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the feature MGWSN, in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 22**, Ho discloses the feature wherein the database DB comprises relationships between the circuit pathways, the circuit identity codes, the plurality of media gateways (102, 1716) and the group of BSCS (110, 112, 114, 116) (see col. 7, lines 39-65; col. 9, line 57 - col. 10, line 4; col. 10, lines 14-22; Figs. 2 and 5A), where the system is able to establish a connection between the MSC and BSC in which a database would be inherent because the system has an addressing table that defines the connections and routes used between the elements to allocate a pathway or channel assignment between the MSC (102)

and BSC (110). Ho fails to disclose having the feature MGWSDB. However, the examiner maintains that the feature MGWSDB was well known in the art, as taught by Naqvi.

Naqvi further discloses the feature a MGWSDB (see col. 5, lines 10-17; col. 14, lines 37-38; Fig. 11), where the switch (300) has a media gateway controller in which a media gateway selection database would be inherent for the switch (300) to select between media gateways of the data plane.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the feature MGWSDB, in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 23**, Ho discloses the feature wherein the Node (1712) is connected between the pool of MSCs and media gateways (102, 1716), wherein the media gateways connect to the group of BSCs (110) (see Figs. 1 and 17). Ho fails to disclose having the feature MGWSN. However, the examiner maintains that the feature MGWSN was well known in the art, as taught by Naqvi.

Naqvi further discloses the feature switch (300) which reads on the claimed MGWSN (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the feature MGWSN, in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 24**, Ho discloses the feature responsive to terminating communications between the one MSC (104) and the particular BSC (110) (see Figs. 6, 7 “ref. 724”, 8),

the MSC (104) informing the Node (1716, 102) that the call is released and the circuit pathway between the MSC (104), the media gateway (1716, 102) and the particular BSC (110) is released, whereupon the Node (1716, 102) updates the database DB regarding the circuit pathway (see Figs. 6, 7 “ref. 724”, 8, 17 and 1). Ho fails to disclose having the features MGWSN; MGWSDB. However, the examiner maintains that the features MGWSN; MGWSDB was well known in the art, as taught by Naqvi.

Naqvi further discloses the features switch (300) which reads on the claimed MGWSN (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways; a MGWSDB (see col. 5, lines 10-17; col. 14, lines 37-38; Fig. 11), where the switch (300) has a media gateway controller in which a media gateway selection database would be inherent for the switch (300) to select between media gateways of the data plane.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the features MGWSN; MGWSDB, in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 25**, Ho discloses a node (1712) in a telecommunications network for dynamic allocation of a circuit pathway between a requesting switch (104, 1702), and a

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target access node (110, 1708) via a media gateway (102, 1716), the node (1712) (see Figs. 1 and 17) comprising:

a node (N) (1712) for selecting a circuit pathway between the requesting switch (104) and the target access node (110, 1708), wherein the Node (N) (1712) (see col. 20, lines 1-6; col. 6, lines 1-10; Figs. 17 and 1), where the system has multiple message routers (1716, 1718) and/or dispatching switches (102) that are providing connections between the MSC (1702, 104) and BSC (1708, 110) in which the MSC can trigger an assignment procedure or request a channel by using a network element (1712) to connect (see col. 21, lines 7-18; col. 18, lines 36-41; Figs. 1, 14, 17). The scalability of the system can be increased by adding additional MSCs, dispatching switches (or message routers) for such reasons as load-balancing and capacity management (see col. 20, lines 28-37, 56-61), where multiple message routers (1716) and/or dispatching switches (102) are implemented in the system and controlled or managed by a hierarchical system element such as element (1712) or softswitch. , further comprises

means (1712) for notifying the requesting switch of the selection (see col. 20, lines 19-22, 45-55; col. 21, lines 7-18; col. 18, lines 36-41; Figs. 1, 14, and 17), where the MSC can trigger an assignment procedure or request a channel by using a network element (1712) to connect and

means (1712) for reserving the selection with a selected media gateway (102, 1716), wherein the circuit pathway (Figs. 1 and 17) includes

the requesting switch (104, 1702), the requesting switch (104, 1702) being one of a pool of switches (104, 106, 108) (see Figs. 1 and 17),

the target access node (110, 1708), the target access node (110, 1708) being one of a group of access nodes (110, 112, 114, 116) (see Figs. 1 and 17) and

the media gateway (102), being one of a plurality of media gateways (102, 1716, 1718) (see Figs. 1 and 17); and

a database (DB) (e.g., table), coupled with the N (1712), for storing circuit identity codes (CIC) necessary to control the allocation of circuit pathways by the N (1712) (see col. 7, lines 39-65; col. 9, line 57 - col. 10, line 4; col. 10, lines 14-22; Figs. 2 and 5A), where the system is able to establish a connection between the MSC and BSC in which a database and CIC would be inherent because the system has an addressing table that defines the connections and routes used between the elements to allocate a pathway or channel assignment between the MSC (102) and BSC (110). Ho fails to disclose having the features media gateway selection node (MGWSN); a media gateway selection database (MGWSDB). However, the examiner maintains that the features media gateway selection node (MGWSN); a media gateway selection database (MGWSDB) was well known in the art, as taught by Naqvi.

Naqvi further discloses the features switch (300) which reads on the claimed media gateway selection node (MGWSN) (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways; a media gateway selection database (MGWSDB) (see col. 5, lines 10-17; col. 14, lines 37-38; Fig. 11), where the switch (300) has a media gateway controller in which a media gateway selection database would be inherent for the switch (300) to select between media gateways of the data plane. Also, the switch manages circuits including circuit identification codes (CIC) between the BSC and the MSC (see col. 13, line 66 - col. 14, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the features media gateway selection node (MGWSN); a media gateway selection database (MGWSDB), in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 26**, Ho discloses the feature wherein the database (DB) (e.g., table) further comprises identities of the plurality of media gateways (102, 1716) and identities of the group of access nodes (110, 112, 114, 116) (see col. 7, lines 39-65; col. 9, line 57 - col. 10, line 4; col. 10, lines 14-22; Figs. 1, 2, 5A and 17), where the system is able to establish a connection between the MSC and BSC in which a database would be inherent because the system has an addressing table that defines the connections and routes used between the elements to allocate a pathway or channel assignment between the MSC (102) and BSC (110). Ho fails to disclose having the feature MGWSDB. However, the examiner maintains that the feature MGWSDB was well known in the art, as taught by Naqvi.

Naqvi further discloses the feature a MGWSDB (see col. 5, lines 10-17; col. 14, lines 37-38; Fig. 11), where the switch (300) has a media gateway controller in which a media gateway selection database would be inherent for the switch (300) to select between media gateways of the data plane.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the feature MGWSDB, in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 27**, Ho discloses the feature wherein the node N (1712) is a central control means between the requesting switch (104) and the target access node (110) such that no dedicated circuits from the access nodes (110, 112, 114, 116) to each switch (104, 106, 108) are required (see col. 20, lines 19-22, 45-55; Figs. 1 and 17). Ho fails to disclose having the feature MGWSN. However, the examiner maintains that the feature MGWSN was well known in the art, as taught by Naqvi.

Naqvi further discloses the feature switch (300) which reads on the claimed MGWSN (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the feature MGWSN, in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 28**, the combination of Ho and Naqvi discloses every limitation claimed, as applied above (see claim 25), in addition Ho further discloses the node of claim 25, wherein the pool of switches (104, 106, 108) is a pool of Mobile Switching Centers (MSCs), the requesting switch (104, 1702) being one MSC in a pool of MSCs (104, 106, 108) and the target access (110, 1708) node being a particular Base Station Controller (BSC) in a group of BSCs (110, 112, 114, 116) (see Figs. 1 and 17).

Regarding **Claim 29**, Ho discloses the feature wherein the node N (1712) is connected between the pool of MSCs (104, 106, 108) and the plurality of media gateways (102, 1716), wherein the plurality of media gateways (1716, 1718, 102) connect to the group

of BSCs (110, 112, 114, 116) (see Figs. 1 and 17). Ho fails to disclose having the feature MGWSN. However, the examiner maintains that the feature MGWSN was well known in the art, as taught by Naqvi.

Naqvi further discloses the feature switch (300) which reads on the claimed MGWSN (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the feature MGWSN, in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 30**, Ho discloses an wireless communication system (100) which reads on the claimed “arrangement” for dynamic allocation of a circuit pathway between a requesting switch (104), and a target access node (110) via a media gateway (102) (see col. 5, lines 18-31; Figs. 1 and 17), the arrangement comprising:

- a pool of switches (104, 106, 108), including the requesting switch (104, 1702) (see Figs. 1 and 17);

- a group of access nodes (110, 112, 114, 116), including the target access node (110, 1708) (see Figs. 1 and 17);

- a plurality of media gateways (102, 1716, 1718) situated between and connected to the group of access nodes (110, 112, 114, 116) (see Figs. 1 and 17);

- a Node (N) (1712) for determining an available circuit pathway between the requesting switch (104, 1702) and the target access node (110, 1708) (see col. 7, lines 39-65; col. 9, line

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57 - col. 10, line 4; col. 10, lines 14-22; col. 20, lines 1-6; col. 6, lines 1-10; Figs. 1-2, 17, and 5A), where the system has multiple message routers (1716, 1718) and/or dispatching switches (102) that are providing connections between the MSC (1702, 104) and BSC (1708, 110) in which the MSC can trigger an assignment procedure or request a channel by using a network element (1712) to connect (see col. 21, lines 7-18; col. 18, lines 36-41; Figs. 1, 14, 17). The scalability of the system can be increased by adding additional MSCs, dispatching switches (or message routers) for such reasons as load-balancing and capacity management (see col. 20, lines 28-37, 56-61), where multiple message routers (1716) and/or dispatching switches (102) are implemented in the system and controlled or managed by a hierarchical system element such as element (1712) or softswitch.,

wherein the circuit pathway is identified in a Database (DB) by a Circuit Identity Code (CIC) (see col. 7, lines 39-65; col. 9, line 57 - col. 10, line 4; col. 10, lines 14-22; Figs. 2 and 5A), where the system is able to establish a connection between the MSC and BSC in which a database and CIC would be inherent because the system has an addressing table that defines the connections and routes used between the elements to allocate a pathway or channel assignment between the MSC (102) and BSC (110),

wherein the node (N) (1712) has

means (1712) for accessing the database DB for selecting the media gateway (MGW) (102, 1716) from the plurality of MGWs (102, 1716, 1718) (see col. 21, lines 7-18; col. 18, lines 36-41; col. 7, lines 39-65; col. 9, line 57 - col. 10, line 4; col. 10, lines 14-22; Figs. 2 and 5A), where the system is able to establish a connection between the MSC and BSC in which a database and CIC would be inherent because the system has an addressing table that

defines the connections and routes used between the elements to allocate a pathway or channel assignment between the MSC (102) and BSC (110);;

means (1712) for receiving the CIC associated with the selected circuit pathway (see col. 20, lines 1-6; col. 6, lines 1-10; Figs. 17 and 1), where the system establishes a connection between the message router (1716) and/or dispatching switch (102) in which the MSC (104) would be aware of the identity of the MGW and CIC to provide signaling; and

means (1712) for sending the identity of the MGW (102) and the CIC to the requesting switch (104) (see col. 20, lines 1-6; col. 6, lines 1-10; Figs. 17 and 1), where the system establishes a connection between the message router (1716) and/or dispatching switch (102) in which the MSC (104) would be aware of the identity of the MGW and CIC to provide signaling. Ho fails to disclose having the features media gateway selection node (MGWSN); a media gateway selection database (MGWSDB). However, the examiner maintains that the features media gateway selection node (MGWSN); a media gateway selection database (MGWSDB) was well known in the art, as taught by Naqvi.

Naqvi further discloses the features switch (300) which reads on the claimed media gateway selection node (MGWSN) (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways; a media gateway selection database (MGWSDB) (see col. 5, lines 10-17; col. 14, lines 37-38; Fig. 11), where the switch (300) has a media gateway controller in which a media gateway selection database would be inherent for the switch (300) to select between media gateways of the data plane. Also, the switch manages circuits including circuit identification codes (CIC) between the BSC and the MSC (see col. 13, line 66 - col. 14, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the features media gateway selection node (MGWSN); a media gateway selection database (MGWSDB), in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 31**, the combination of Ho and Naqvi discloses every limitation claimed, as applied above (see claim 31), in addition Ho further discloses the arrangement (100) of claim 31, wherein the requesting switch (104, 1702) is a requesting mobile switching center (MSCs), the pool of switches (104, 106, 108) is a pool of MSCs (104, 106, 108), the target access node (110, 1708) is a target Base Station Controller (BSC) and the group access nodes is a group of BSCs (110, 112, 114, 116) (see Figs. 1 and 17).

Regarding **Claim 32**, Ho discloses the feature wherein the node N (1712) is adapted to respond to a request for an available circuit pathway to the target BSC (110) by accessing the database DB to select an available circuit pathway between the requesting MSC (104) and the target BSC (110) (see col. 7, lines 39-65; col. 9, line 57 - col. 10, line 4; col. 10, lines 14-22; Figs. 2 and 5A), where the system is able to establish a connection between the MSC and BSC in which a database would be inherent because the system has an addressing table that defines the connections and routes used between the elements to allocate a pathway or channel assignment between the MSC (102) and BSC (110). Ho fails to disclose having the features media gateway selection node (MGWSN); a media gateway selection database (MGWSDB). However, the examiner maintains that the features media gateway selection

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node (MGWSN); a media gateway selection database (MGWSDB) was well known in the art, as taught by Naqvi.

Naqvi further discloses the features switch (300) which reads on the claimed media gateway selection node (MGWSN) (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways; a media gateway selection database (MGWSDB) (see col. 5, lines 10-17; col. 14, lines 37-38; Fig. 11), where the switch (300) has a media gateway controller in which a media gateway selection database would be inherent for the switch (300) to select between media gateways of the data plane. Also, the switch manages circuits including circuit identification codes (CIC) between the BSC and the MSC (see col. 13, line 66 - col. 14, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the features media gateway selection node (MGWSN); a media gateway selection database (MGWSDB), in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 33**, the combination of Ho and Naqvi discloses every limitation claimed, as applied above (see claim 32), in addition Ho further discloses the method of claim 32, wherein the requesting MSC (104) is seeking to connect to a mobile unit (136) which reads on the claimed "mobile terminal" that is coupled with the target BSC (110) (see col. 10, lines 14-22; col. 21, lines 7-18; col. 18, lines 36-41; Figs. 1, 14, 17), where the MSC can trigger an assignment procedure or request a channel by using a hierarchical system element such as element (1712) or a softswitch.

Regarding **Claim 34**, Ho discloses the feature wherein the Node (1712) is a central means of control such that no dedicated circuits are required for the group of BSCs (110) to each MSC (104) (see col. 20, lines 19-22, 45-55; Figs. 1 and 17). Ho fails to disclose having the feature MGWSN. However, the examiner maintains that the feature MGWSN was well known in the art, as taught by Naqvi.

Naqvi further discloses the feature switch (300) which reads on the claimed MGWSN (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the feature MGWSN, in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 35**, Ho discloses the feature wherein the database DB comprises relationships between the circuit pathways, associated circuit identity codes, media gateways (102, 1716) and the group of BSCS (110, 112, 114, 116) (see col. 7, lines 39-65; col. 9, line 57 - col. 10, line 4; col. 10, lines 14-22; Figs. 2 and 5A), where the system is able to establish a connection between the MSC and BSC in which a database would be inherent because the system has an addressing table that defines the connections and routes used between the elements to allocate a pathway or channel assignment between the MSC (102) and BSC (110). Ho fails to disclose having the feature MGWSDB. However, the examiner maintains that the feature MGWSDB was well known in the art, as taught by Naqvi.

Naqvi further discloses the feature a MGWSDB (see col. 5, lines 10-17; col. 14, lines 37-38; Fig. 11), where the switch (300) has a media gateway controller in which a media gateway selection database would be inherent for the switch (300) to select between media gateways of the data plane.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the feature MGWSDB, in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 36**, Ho discloses the feature wherein the Node (N) (1712) is connected between the pool of MSCs (104, 106, 108) and media gateways (102, 1716), wherein the media gateways (102) further connect to the group of BSCs (110) (see Figs. 1 and 17). Ho fails to disclose having the feature MGWSN. However, the examiner maintains that the feature MGWSN was well known in the art, as taught by Naqvi.

Naqvi further discloses the feature switch (300) which reads on the claimed MGWSN (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the feature MGWSN, in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Regarding **Claim 37**, Ho discloses the feature means for informing the Node (1716, 102) that the connection between the MSC (104) and the target BSC (110) is terminated,

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whereupon the circuit pathway between the MSC (104), the media gateway (1716, 102) and the target BSC (110) is released and the Node (1716, 102) updates the database DB regarding the status of the circuit pathway (see Figs. 6, 7 “ref. 724”, 8, 17 and 1). Ho fails to disclose having the features MGWSN; MGWSDB. However, the examiner maintains that the features MGWSN; MGWSDB was well known in the art, as taught by Naqvi.

Naqvi further discloses the features switch (300) which reads on the claimed MGWSN (see col. 5, lines 10-17; Fig. 11), where the switch has media gateway controller (1110) for selecting media gateways; a MGWSDB (see col. 5, lines 10-17; col. 14, lines 37-38; Fig. 11), where the switch (300) has a media gateway controller in which a media gateway selection database would be inherent for the switch (300) to select between media gateways of the data plane.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho and Naqvi to have the features MGWSN; MGWSDB, in order to allow communication traffic to be siphoned to or from alternative network, as taught by Naqvi (see col. 3, lines 61-64).

Response to Arguments

5. Applicant's arguments with respect to claims 17-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 7:30-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR
09 November 2005



CHARLES APPIAH
PRIMARY EXAMINER